

Claims 1 - 22 are now in the application, Claims 1, 2, 3, 18, 19 21 and 22 having been amended hereby.

The Examiner has rejected under 35 U.S.C. §102(b) Claims 1 - 3, 6, 7, 16 and 19 - 22 as being anticipated by Nappholz et al. The Examiner has also rejected under 35 U.S.C. §103(a): Claims 4, 8 - 15 and 17 as being unpatentable over Nappholz et al. in view of de Coriolis; Claim 5 as being unpatentable over Nappholz et al. in view of Fountain et al.; and Claim 18 in view of Nappholz et al. in view of Wyborny et al.

Applicants have amended Claim 1 to call for (underlining added for emphasis): ... beginning data transmission with a triggering signal sent periodically by the first transmitter/receiver unit to the second transmitter/receiver unit at the end of a first pre-determined time interval; and ... maintaining a reception readiness of the first transmitter/receiver unit after emission of the triggering signal for a second pre-determined time interval; ... wherein a comparison of the first pre-determined time interval with the second pre-determined time interval provides a fixed time interval ratio indicative of energy saving characteristics.

Applicants have amended Claim 21 to call for (underlining added for emphasis): ... the first transmitter/receiver unit beginning data transmission by sending periodically a triggering signal to the second transmitter/receiver unit in a first pre-determined time interval, and ... at least a reception readiness of the first transmitter/receiver unit being maintained after emission of the triggering signal for a second pre-determined time interval; ... wherein a comparison of the first pre-determined time interval with the second pre-determined time interval provides a fixed time interval ratio indicative of energy saving characteristics.

As such, Applicants submit that Claims 1 and 21 are not anticipated by Nappholz et al. under 35 U.S.C. §102(b).

The present invention provides for the triggering signal initiating the data transmission being sent out periodically by the implant in at the end of a first predetermined time interval. The reception readiness of the implant is maintained thereafter for a second pre-determined time interval, e.g., in one embodiment the second-predetermined time interval being much shorter than the first timer interval. By giving a first pre-determined time interval and a second pre-determined time interval a fixed ratio between the two time intervals is established. Such ratio determines the energy which can be saved, noting that in one embodiment the transmitter and the receiver of the implant are totally switched off during the first time interval. (See page 3, lines 1 - 12; page 24, lines 4 ff.)

Nappholz et al., on the other hand provides for initiating a data transmission between an implant and an external device at the implant side upon detection of a pre-determined physiological or operational condition. (See column 16, lines 59 ff.) As such, the Applicants submit that the prior art does not describe, teach or suggest an unconditioned initiation of a data transmission by the implant at the end of a first pre-determined time interval, nor having reception readiness of the implant is maintained thereafter for a second pre-determined time interval.

Accordingly, Applicants submit that Claims 1 and 21 are not anticipated by Nappholz et al. under 35 U.S.C. §102(b).

Claims 2 - 20 are dependent on Claim 1. Claim 22 is dependent on Claim 21. As such, these claims are believed allowable based upon respective Claims 1 and 21.

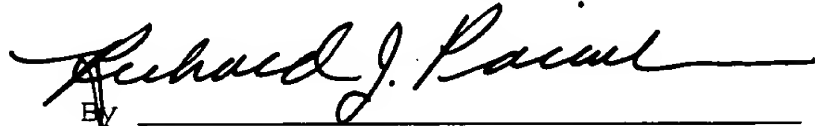
Therefore, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Application No. 09/603,834

Attached hereto is a marked-up version of the changes made to the above-identified application by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

A handwritten signature in cursive script, reading "Richard J. Paciulan". The signature is written in black ink and is positioned above a horizontal line.

By

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claims 1, 2, 3, 18, 19, 21 and 22 have been amended as follows (underlining indicating insertions, brackets indicating deletions):

1.(amended) A method of data transmission between an electromedical implant having a first transmitter/receiver unit and an associated external apparatus having a second transmitter/receiver unit, comprising:

beginning data transmission with a triggering signal sent periodically by the first transmitter/receiver unit to the second transmitter/receiver unit at the end of [in] a first pre-determined time interval; and

maintaining a reception readiness of the first transmitter/receiver unit after emission of the triggering signal for a second pre-determined time interval;

wherein a comparison of the first pre-determined time interval with the second pre-determined time interval provides a fixed time interval ratio indicative of energy saving characteristics.

2.(amended) The method as set forth in claim 1, further comprising switching off a receiving portion of the first transmitter/receiver unit after termination of the second pre-determined time interval during a rest phase which extends until a next triggering signal.

3.(amended) The method as set forth in claim 1 or claim 2, wherein the second pre-determined time interval is shorter than the first pre-determined time interval.

18.(amended) The method as set forth in claim 1, wherein at least the first pre-determined time interval is variable during

operation by sending a second item of control information by the second transmitter/receiver unit to the first transmitter/receiver unit which is ready to receive.

19.(amended) The method as set forth in claim 1, wherein the first pre-determined time interval is varied in dependence on operating parameters of the implant.

21.(amended) An electromedical apparatus for data transmission comprising:

an electromedical implant having a first transmitter/receiver unit; and

an associated external apparatus having a second transmitter/receiver unit;

the first transmitter/receiver unit beginning data transmission by sending periodically a triggering signal to the second transmitter/receiver unit in a first pre-determined time interval, and

at least a reception readiness of the first transmitter/receiver unit being maintained after emission of the triggering signal for a second pre-determined time interval;

wherein a comparison of the first pre-determined time interval with the second pre-determined time interval provides a fixed time interval ratio indicative of energy saving characteristics.

22.(amended) The apparatus as set forth in claim 21, wherein at least a receiving portion of the first transmitter/receiver unit remains switched off after termination of the second pre-determined time interval during a rest phase which extends up to a next triggering signal.